

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0158 – 7211 Albert Road
Zoning Change

Z.A.P. DATE: January 19, 2010
February 16, 2010

ADDRESS: 7211 Albert Road

OWNER/APPLICANT: Chester C. Young

AGENT: Damon Young

ZONING FROM: DR

TO: SF-2

AREA: 2.0016 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant single family residence standard lot (SF-2) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 19, 2010: *CONTINUED TO 2-16-10 (COMMISSION)*
[S. BALDRIDGE; D. TIEMANN – 2ND]

February 16, 2010:

ISSUES:

Several comment forms in opposition to the proposed rezoning have been received and are attached at the back of the Staff packet.

DEPARTMENT COMMENTS:

The subject property is developed with one single family residence, is located on Albert Road, one tract south of its intersection with Matthews Lane and has been zoned development reserve (DR) since its annexation into the City limits in November 1984. The property is surrounded by one to two acre sized tracts zoned DR to the south, single family residences on tracts of varying sizes to the west (SF-2; DR), an undeveloped property zoned SF-1-CO (and proposed for SF-2 zoning) to the north, and single family residences within the Elm Wood Estates subdivision to the east (SF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant requests single family residence standard lot (SF-2) district zoning in order to further subdivide the property. SF-2 zoning is compatible with the single family residential character south of Matthews Lane, and is consistent with the adjacent properties to the east and west which also have SF-2 zoning, and the tract to the north for which SF-2 zoning is also being sought.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	One single family residence
<i>North</i>	SF-1-CO	Undeveloped
<i>South</i>	DR	Single family residences on one and two acre lots
<i>East</i>	SF-2	Single family residences within the Elm Wood Estates subdivision
<i>West</i>	SF-2	Single family residences

AREA STUDY: N/A**TIA:** Is not required**WATERSHEDS:** South Boggy Creek;
Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1228 – Sierra Group, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc.

SCHOOLS:

Casey Elementary School

Bedichek Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0157 – Albert Road – 7201-7207 Albert Road; 1305-1407 Matthews Lane	SF-1-CO to SF-2	Scheduled for 1-19-10.	Scheduled for 2-11-10.
C14-00-2171 – 1103 Matthews Lane	DR to SF-3	To Grant SF-3	Approved SF-2 (11-2-00).
C14-96-0117 – Security Village –	LO and CS to SF-6	To Grant SF-6-CO	Approved SF-6-CO with the CO

West William Cannon Drive at Woodhue Drive			prohibiting access to Matthews Lane (12-5- 96).
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RELATED CASES:

The rezoning area consists of acreage out of Lot 1 of the H. A. and J. G. Fitzhugh subdivision, (C8-1894-1107).

There are no subdivision or site plan applications approved or in process on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Albert Road	50 feet	16 feet	Local	Not Available

There are no existing sidewalks along Albert Road.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not existing or proposed on Albert Road.

Capital Metro bus service (route nos. 333 and 484) is available along William Cannon Drive.

CITY COUNCIL DATE: February 11, 2010

ACTION:

ORDINANCE READINGS: 1st

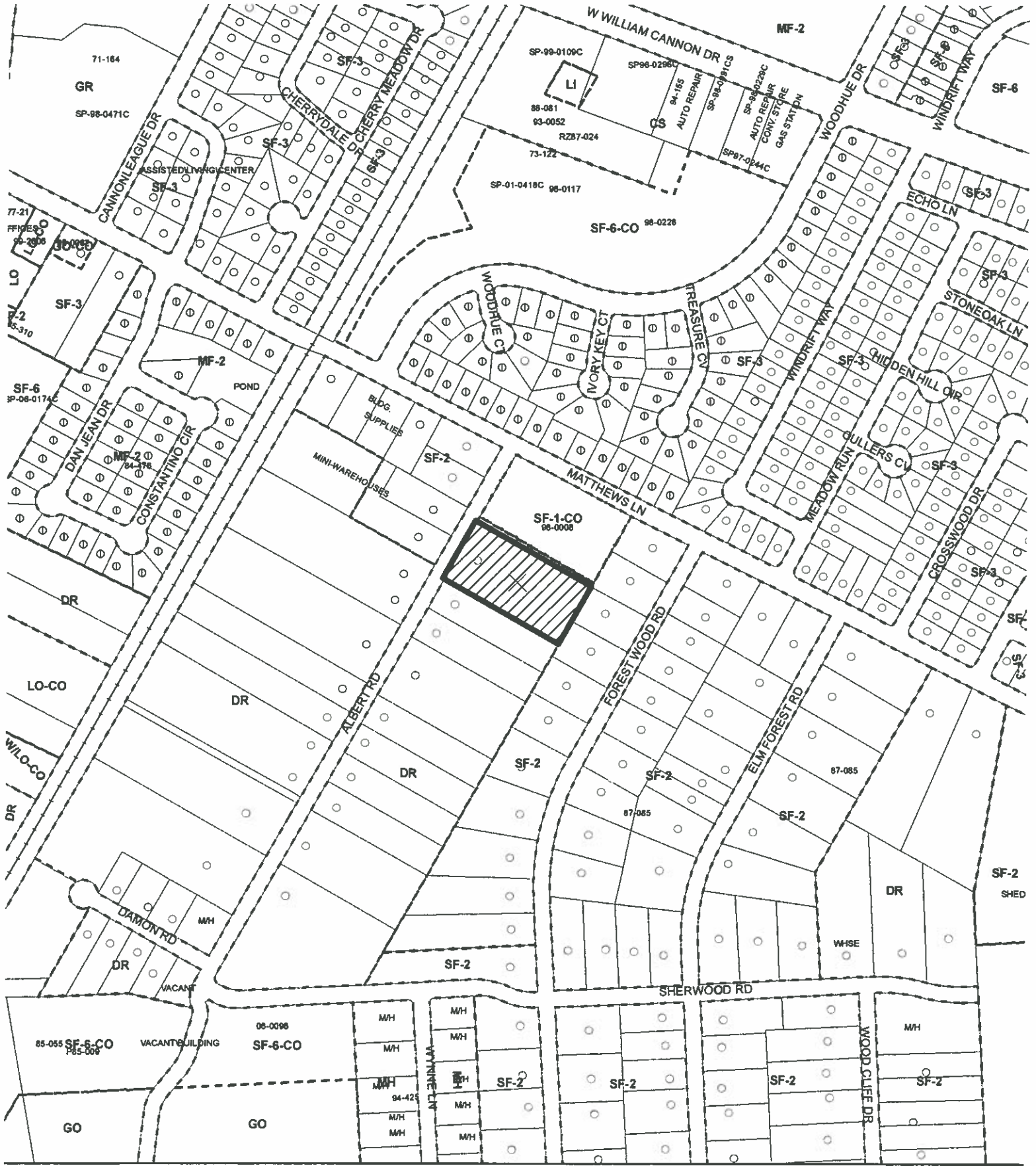
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2009-0158
 ADDRESS: 7211 ALBERT RD
 SUBJECT AREA: 2.0016 ACRES
 GRID: F16
 MANAGER: W. RHOADES

EXHIBIT A



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant single family residence standard lot (SF-2) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The single family residence standard lot (SF-2) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lots or to new development of single-family housing areas with minimum land requirements.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

SF-2 zoning is compatible with the single family residential character south of Matthews Lane, and is consistent with the adjacent properties to the east and west which also have SF-2 zoning, and the tract to the north for which SF-2 zoning is also being sought.

EXISTING CONDITIONS**Site Characteristics**

The subject lot is undeveloped and relatively flat, with moderate vegetative cover. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the SF-2 zoning district would be 45%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed and the South Boggy Creek Watershed of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and

impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

Rezoning from DR to SF-2 does not trigger the application of compatibility standards.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2009-0158

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Jan. 19, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

June W. Bell

Your Name (please print)

7206 Elm Forest Rd. Austin TX
78745

Your address(es) affected by this application

May June Bell

Signature

Date

Daytime Telephone: 442-4270

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2009-0158

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Jan. 19, 2010, Zoning & Planning Commission
Feb. 11, 2010, City Council

Earl Edward & Rosalie Hamilton

Your Name (please print)

2204 Forest Wood Rd. Austin 78745

Your address(es) affected by this application

Earl E. Hamilton, Rosalie Hamilton - 11-2010

Signature

Date

Daytime Telephone: 512-442-5955

Comments: We object to the zoning change change in this case C14-2009-0158 and would like it to stay as it is. With the large lots we have a good bit of privacy and make a uniqueness for our neighborhood. We should like to lose this, we have live here in this same house since 1961 and have enjoyed it as is.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2009-0158

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Jan. 19, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

ROSALIE ERLUND

Your Name (please print)

7210 FOREST WOOD RD

Your address(es) affected by this application

Rosalie Erlund

Signature

01-11-10

Date

Daytime Telephone: 442-7430

Comments: For fifty years I've enjoyed peace and quiet here. Any zoning change would destroy the privacy I have had and beside this, I oppose land zoning because I can see this property next to me going commercial and I don't see don't want that in this residential community. Also, water run off already brings weeds into my yard. Note construction would make it worse.

If you use this form to comment, it may be returned to:

City of Austin

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Wendy Rhoades

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Austin, TX 78767-8810

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Case Number: C14-2009-0158

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Jan. 19, 2010, Zoning & Platting Commission

Feb. 11, 2010, City Council

Labe and Budget Lewis
Your Name (please print)

☐ I am in favor
☒ I object

7206 Forest Wood Rd, Austin, TX 78745
Your address(es) affected by this application

WRLB B. Lewis 1/11/10
Signature Date

Daytime Telephone: 512.217.6942

Comments: We object to the zoning change because SF-2 could potentially be subdivided out of control, which would result in a loss of privacy, peace of mind, an increase in property taxes, and the possibility of our property being further disturbed by the city needing access for utility service for the new growth through our property. We know Damon has good intentions but we

are concerned about future owners and
If you use this form to comment, it may be returned to: the integrity of

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

our neighborhood
and the wild life.

PUBLIC HEARING INFORMATION

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Case Number: C14-2009-0158

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Jan. 19, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

ARNOLD J. STEIN

Your Name (please print)

7112 Windrift Way Austin TX 78745

Your address(es) affected by this application

Arnold J. Stein

Signature

Date

Daytime Telephone: 512 443-7276

Comments: I object for the same reason

I gave for Case #C14-2009-0157

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2009-0158

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Jan. 19, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

Ruth LAUER

Your Name (please print)

7309 Forest Wood Rd 78745

Your address(es) affected by this application

[Signature]

Signature

1/13/10

Date

Daytime Telephone: 440.7105

Comments:

Adequate public services are not available on Albert Rd. — especially water.

The zoning should remain consistent with the neighboring properties on this street.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

January 14, 2010

To: Zoning and Platting Commission, City of Austin
Betty Baker, Chair
Teresa Rabago, Secretary
Donna Tiemann, Vice Chair
Sandra Baldrige
Cynthia Banks
Gregory Bourgeois
Patricia Seeger

From: Sharon Sanders
7305 Albert Rd, 78745
512-852-4256 (work)

Re: Case Number C14-2009-0158
Contact Wendy Rhoades
Public Hearing Jan. 19, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

Project: Location 7211 Albert Rd
Owner Chester Young
Applicant Damon Young
Proposal Zoning change from DR to SF-2

I object to this zoning change.

I would like to start by saying that I am disappointed in our neighbors at 7211 Albert Road for wanting to change their property into multiple single-family homes. When they bought the property several years ago, on more than one occasion they told me how they loved the natural setting and all of the private space and how they had looked for such a place for a long time.

I want to emphasize that this is a residential neighborhood. Nearly everyone has one to four acres on Albert Road and those who live on Elm Forest have very large lots. This makes our neighborhood unique for those who live there—and a good selling point whenever that time is needed. Adding more housing to the area affects the value of existing properties. More recently the resident of 7211 Albert Road told us they didn't care about the neighbors and they would do whatever they wanted with their property.

Building more houses will greatly affect the wildlife we treasure. Yes, the deer are pests and I would like to see them move out of town. But the raccoons, opossums, the helpful garden snakes, squirrels, hawks, several species of owls, two kinds of woodpeckers, and countless other birds live on our property and those adjacent properties (including 7211 Albert Road) would soon be gone. Flocks of birds come into our neighborhood during migration. We even have occasional fox sightings. The rabbits and road runners have left long ago because of the increased human density. This neighborhood has thousands of trees that provide food and shelter to the wildlife that remain. I would hate to see that change.

C14-2009-0158
January 14, 2010
Sharon Sanders
Page 2

The necessity of having one or more water retention ponds also concerns me. During the rainy season the mosquito population will increase tremendously—adding a health risk for everyone.

Adding homes will certainly increase traffic on Albert Road and Matthews Lane. We have a much enjoyed quiet neighborhood; and nearly everyone respects each other and their privacy. Adding more private housing or business-related housing would take away our serenity. Housing the elderly would mean frequent ambulance arrivals and other disturbances that would increase traffic in and out of the property.

On a more personal note, our neighbors at 7211 Albert Road are big dreamers and will start a project and not follow through or will not look at the total picture before starting. They leave a lot of stuff lying around and their property has an unkempt appearance. Looking at their track record for the past three years, I don't foresee that they will change. The upkeep on more houses will be more than they can handle.

My suggestions for the residents at 7211 Albert Road—add an apartment to their existing home for their parents. When we built our home over twenty years ago, we included an apartment in our floor plan for a set of parents who lived with us. Now that they are no longer here, that portion of the house has been remodeled and merged into our single-family floor plan. The utilities have always been common.

I truly hope these neighbors have looked deeply at this idea of building homes for the elderly. It is an expensive endeavor. Continuous permits, licensing, fire inspections, health inspections, wheel chair and walker accessible outside and inside; especially the bathrooms, sprinkler systems, fire alarms, cleaning and maintenance services, laundering facilities; licensed cooks, dietitians, regulated food storage and cooking appliances, transportation for doctors, stores, pharmacies; and hair care, food deliveries, parking for residents, staff, and visitors, ambulance accessible, specialized heating and cooling systems, multiple phone, computer, and TV hook-ups; special drainage and runoff, subdividing for eventual sale, proper fencing on all sides. I am pretty certain the existing neighbors will demand privacy fences. That would be a must for us—the list is endless.

Please vote in opposition to this zoning change. Based on the Applicant's low regard for neighborhood values, neither SF-2 nor SF-1 would be appropriate.

Thank you for your consideration.



Sharon K. Sanders
7305 Albert Road
Austin, Texas 78745
512-443-9032 (home)
512-852-4256 (work)

January 14, 2010

To: Zoning and Platting Commission, City of Austin
Betty Baker, Chair
Teresa Rabago, Secretary
Donna Tiemann, Vice Chair
Sandra Baldrige
Cynthia Banks
Gregory Bourgeois
Patricia Seeger

From: Kent Sanders
7305 Albert Rd, 78745
512-440-2143 (work)

Re: Case Number C14-2009-0158
Contact Wendy Rhoades
Public Hearing Jan. 19, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

Project: Location 7211 Albert Rd
Owner Chester Young
Applicant Damon Young
Proposal Zoning change from DR to SF-2

I object to this zoning change.

My wife and I have lived on Albert Road since the early 1980's. Our one-acre lot (actually, 520 sq-ft less) is the 3rd lot on the left side of Albert Rd, south of Matthews Lane. We share over 400 feet of property boundary with Chester Young's property. His is the 2nd lot south of Matthews Lane.

The "core" of Albert Road consists of properties just under an acre to over 4 acres. By my count, 10 out of 18 lots are 2 acres or more in size. All have houses with a minimum 75 foot set-back and are more or less centered within the frontage length. Chester Young's property is not an exception.

The owners within the Albert neighborhood, with exceptions, value their own privacy and respect their neighbor's right of privacy. We tend to not be overly social among ourselves. We both need and use the space and nature to recharge our proverbial batteries to address other aspects of our lives.

In my opinion, the very low house density along Albert needs to be protected. The narrow but deep lots imply limited road frontage and longer common boundaries among neighbors. With many one and two acre lots, an SF-1 designation is insufficient protection against those wanting to capitalize through subdivision at the expense of his neighbor.

C14-2009-0158
January 14, 2010
Kent Sanders
Page 2

A more ideal designation for the Albert neighborhood is RR (Rural Residence). Unfortunately, our current designation is DR (Development Reserve) and we have little opportunity to change it until our "greater neighborhood" pursues Neighborhood Planning. Without that Plan in place we must challenge each and every issue assaulting privacy and quality of life. And Albert Road has characteristics that have changed little over the last 60 years—probably even unique to South Austin. Therefore, well worth preserving.

Chester Young does not, to my knowledge, live at 7211 Albert Rd. His son Damon and Damon's family do live there. Based on my respectful watch as Damon's neighbor, he has made some needed upgrades to the house and created a small back yard out of a virtual jungle of vegetation acquired on purchase of the property.

This past summer during the drought Damon rented a small bobcat and over a month with hired labor cleared the back of the lot—perhaps 210 feet wide by 275 feet deep. Trees, shrubs, weeds, grasses all gone. Just dirt and less than great looking trees remain. Before, there was this big wooded area across the property line. Now we see the fence on the opposite side of his lot and a couple more neighbors along Elm Forest.

Then it got quiet. Damon was not talking. In December surveyors left red ribbons everywhere and tagged many of his trees in front. A few more days and zoning notices start showing up in mail boxes for two adjacent properties. Both properties are seeking SF-2 designations. Now Damon is refusing to talk to anyone—especially not to Kent.

On Sunday evening January 10 Damon met with Kent and another neighbor. Damon admitted he does not know what he is going to do. He knows only that he needs to change his "zoning from DR to do anything." He said he intends to build as many single family homes on his property as the city will permit. It is his property and neighbors do not matter.

In a different conversation with another neighbor, Damon mentioned "an assisted living support group." In yet a different conversation he said he wanted to build a "house for his Dad and another for 5 or 6 other elderly men."

Based on the above incomplete, evasive statements, Damon may intend to build a minimum of two more single-family homes on his 2-acre lot and retain ownership for some period of years. And he knows it is a problem for the guy

C14-2009-0158
January 14, 2010
Kent Sanders
Page 3

on the opposite side of the 400+ foot property line. Unfortunately, the other guy does not know the whole story.

Commission members—please accept my apologies for the hearsay content and narrative style of this protest. I have been unable to identify a more appropriate way to present the few known facts.

Please vote in opposition to this zoning change. Based on the applicant's low regard for neighborhood values, neither SF-2 nor SF-1 would be appropriate.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Kent Sanders', with a stylized flourish at the end.

*Kent E. Sanders
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